

REMARKS/ARGUMENTS

Claims 2-12, 14-21, and 23-30 are pending in the present application. Claims 23, 27, and 30 have been amended. Claims 23, 27, and 30 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 4, 7, 20, and 21 as being allowable if rewritten in independent form.

Specification

Applicants respectfully submit that, in the Amendment filed on January 16, 2004, the first full paragraph of page 3 was amended in error. Thus, Applicants have amended page 3 above to correct the erroneous amendment. As this amendment merely places the first full paragraph of page 3 in its originally filed form, Applicants respectfully submit that no new matter has been added to the application by this amendment.

Examiner's Objections in the Response to Amendments/Arguments

In the Response to Amendments/Arguments section of the Office Action (page 11), the Examiner asserts that the phrase "N being an integer ≥ 0 " in claims 23, 27, and 30 leaves a doubt as to the scope of the subject matter regarded as Applicants' invention. Without conceding that any such doubt exists, Applicants have amended claims 23, 27, and 30 to replace the above phrase with "N being an integer ≥ 2 ."

Also, in pages 11-12 of the Office Action, the Examiner points out the phrase "said second plurality of time slots being grouped into a second plurality of N time slots" in claim 23 is unclear. Claim 23 has been amended by replacing the above phrase with "said second plurality of N optical signal frames being grouped into a second plurality of N time slots."

In page 12, the Examiner further asserts that "said concatenated optical signal frames within...said second pluralit[y] of N time slots" in claims 23 and 27 lacks sufficient antecedent basis. Applicants have amended claims 23 and 27 to provide sufficient basis.

Also, in page 12, the Examiner asserts that "said data" and "said synchronous optical network protocol" lack sufficient antecedent basis in claim 30. Claim 30 has been amended to replace

the abovementioned features with "said payload" and "said synchronous optical network standard," respectively. Accordingly, Applicants submit that the features in claim 30 have sufficient antecedent basis.

Rejection Under 35 U.S.C. § 103

Claims 2, 3, 5, 6, 8-12, 14-19, and 23-30 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,416,772 to Helton et al. (hereafter Helton) in view of U.S. Patent No. 6,118,795 to Fukunaga et al. (hereafter Fukunaga). This rejection is respectfully traversed.

In the Reply filed on September 14, 2004 (pages 15-16), Applicants argued that Fukunaga teaches a system that determines the composition of received SONET signals based on pointer information in the signals. Applicants further argued that, if the composition is STS-3c or STS-12c, Fukunaga's system separates the received signals into STS-1 frames using the sequential placement specified by the SONET standard. Thus, Applicants argued that Fukunaga neither teaches nor suggests concatenated optical signal frames of a synchronous optical network standard, which occupy time slots that do not conform to that standard.

In response to these arguments, the Examiner asserts in the Response to Arguments/Amendments section (page 10) that the STS-1 frame composition of Fukunaga reads on the claimed "synchronous optical network standard." Specifically, in relation to Fukunaga, the Examiner argues:

...it is obvious that the STS-3c/12c frame consists of three/twelve concatenated STS-1 frames and has three/twelve bigger number [sic] of time slots in the STS-1 frame, **which is defined as the "SONET standard"**. [sic] (emphasis added)

In page 11 of the Office Action, the Examiner further responds to Applicants' argument by asserting:

the feature upon which Applicant relies (i.e., the "SONET standard covers the transmission frames associated with the base data rate STS-1 as well as other higher data rates by concatenating STS-1 frames into STS-Nc frame [sic]"...) is not recited in the rejected claims.

Applicants believe that the above statement represents an implicit suggestion by the Examiner for increased clarification in the claims regarding the features argued by Applicants. Thus, in an effort to expedite prosecution, Applicants have attempted to comply with the Examiner's suggestion. Specifically, Applicants amended independent claims 23, 27, and 30 to recite that the synchronous optical network standard covers optical signal frame types formed by concatenating at least two of the

plurality of optical signal frames whose sequential placement does not conform to the synchronous optical network standard.

By amending the independent claims as such, Applicants do not concede the validity of the Examiner's rejection. Instead, Applicants have amended the claims only to comply with the Examiner's implicit suggestion to more clearly distinguish the claims over Fukunaga.

Applicants respectfully submit that none of Helton and Fukunaga, taken separately or in combination, teaches or suggests the features discussed above in connection with independent claims 23, 27, and 30. At least for this reason, Applicants submit that claims 23, 27, and 30 are allowable. It is further respectfully submitted that claims 2, 3, 5, 6, 8-12, 14-19, 24-26, 28, and 29 are allowable at least by virtue of their dependency on claims 23 and 27.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

Entry of this Amendment After Final is respectfully requested in that the above amendments do not raise any new issues requiring further search and/or consideration. Instead, Applicants respectfully submit that the amendments merely correct informal matter raised by the Examiner in the Response to Amendments/Arguments, or implement the Examiner's implicit suggestion for clarification over the cited patents.

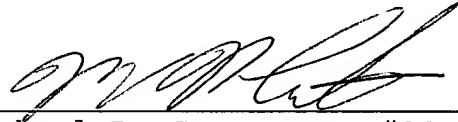
Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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